



University of Baltimore Law Forum

Volume 12
Number 3 *Spring 1982*

Article 10

1982

Recent Maryland Legislative Developments:

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Recommended Citation

(1982) "Recent Maryland Legislative Developments;" *University of Baltimore Law Forum*: Vol. 12: No. 3, Article 10.
Available at: <http://scholarworks.law.ubalt.edu/lf/vol12/iss3/10>

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of MD. COM. L. CODE §2.316.1 (1975) prohibit enforcement of such an attempt, if asserted by a seller of consumer goods. The Court found Anthony Pools to be a "seller" (MD. COM. L. CODE §2-314 to 2-318), and the pool itself to be a "consumer good" (MD. COM. L. CODE §9-109), within the meaning of the statute.

The Court also held that the judge's refusal to instruct the jury that carelessness in the use of the diving board by Sheehan did not constitute a valid defense to the strict liability claim was reversible error. Noting first that the trial judge properly refused Anthony Pools' request for a contributory negligence instruction, the Court indicated that the appropriate jury charge should have included an instruction to the effect that ordinary carelessness or inadvertence on the part of Sheehan would not bar his recovery, but that a knowing, voluntary and unreasonable assumption of the risk involved in the use of the diving board would provide a complete defense. See RESTATEMENT (SECOND) OF TORTS §402A (1976). The Court concluded that "the trial court's silence on these two aspects of the plaintiff's conduct left the jury bereft of essential guidance and constituted reversible error."

Recent Maryland Legislative Developments:

- the bill seeking to raise gasoline taxes 4.5 cents per gallon over the next two years passed. If the wholesale price of unleaded gasoline rises above \$1.30, the tax will increase automatically, but by no more than \$.01 per year. Such revenue will be used to repair and replace Maryland's deteriorating highways and bridges.
- the State's drinking age for the consumption of beer and wine will be raised from 18 years of age to 21 years of age. The bill exempts all people who will be 18 by June 30, 1982. The primary motivation for

raising the drinking age was to reduce the number of automobile accidents caused by intoxicated motorists. The drinking age for beer and wine was lowered from 21 to 18 in 1974.

- the "Death with Dignity" bill which would have allowed terminally ill patients to instruct doctors not to take extraordinary measures to prolong life where there is no hope of cure did not pass. Opponents of this bill felt that it would only legalize mercy killing.
- the bill seeking to "decouple" state taxes from federal taxes which have made allowances providing tax breaks for businesses, was shelved until next year.
- the bill to raise interest rate ceilings on most consumer loans, raising the ceiling to 24% passed. Opponents of the deregulation bill were successful only in amending the bill to continue the state ban on credit card membership fees. On January 28, 1981, Judge Marshall A. Levin of the Supreme Bench of Baltimore City, ruled that the State no longer has the right to impose interest ceilings because of federal deregulation. Judge Levin's decision will be

considered on appeal to the Maryland Court of Appeals this year.

- the bill seeking to raise interest ceilings to 24% on secondary mortgages passed.
- the bill proposing mandatory sentencing for unlawful possession of a handgun was killed in the Judiciary Committee.
- the General Assembly agreed to raise weekly unemployment benefits from \$140 per week to \$153 per week.
- the bill that would prevent the courts from automatically dismissing criminal cases that take more than 180 days to get to trial was killed in the final hours of the session.
- the bill giving state's attorneys the discretion to determine whether 16 or 17 year-olds charged with violent crimes should be tried as juveniles or adults, passed.
- the legislature acted to extinguish the possibility of obtaining uncontested divorces without going to court, a method recently approved by the Maryland Court of Appeals. Proposals to reduce the separation period necessary to file for divorce were also defeated.

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